THE NEWS SCIMITAR

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LAW AND FALLACY

No treaty the United States makes can be higher than the constitution. If congress would ratify the treaty as it is written, and if the supreme court should decide that a paragraph in that treaty was in conflict with our constitution, that paragraph would be null and void.

Senator Johnson knows this—he is a good lawyer. Of course, nobody can change the constitution, or make another to override it, except the people; but Johnson utters his second sentence as an indictment of President Wilson. Every time the United States makes a treaty with a foreign power it loses some of its independence of action. The United States can make contracts just as can an individual. Of course, its contracts are limited by the constitution.—Commercial Appeal. course, its contracts are limited by the constitution.—Commercial Appeal.

One statement in the quotation recited from which there will be no dissenting opinion is that Senator Johnson is a good lawyer. He is a rattling good lawyer. He is so sound and logical in the law that he could leave the determination of his standing as a lawyer to an ex parte consideration of the charge of unsoundness based upon the foregoing declaration, that the supreme court has the right to declare null and void a paragraph of a treaty entered into between this nation and another nation, and be reasonably assured of vindication.

The power to invalidate a section of a paragraph of a treaty carries with it the right to declare null and void a treaty in its entirety. We have no record of the supreme court having

In defining the powers of the supreme court the constitution says: "The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, and which shall be made, under their

In other words, if it is possible to make it clearer, the supreme court does not pass upon the treaty itself, but upon the rights of citizens of this and other countries guaranteed by

A treaty is a contract between two nations. It is an agree ment made in good faith. The constitution says of the power of the president in this regard: "He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur."

The supreme court does not assume jurisdiction over treaties and determine whether they shall stand or fall, for the reason that the jurisdiction of the supreme court does not extend to any other country.

members to take what sides they desire individually.

George Hassinger entered the race for mayor against J. J. Williams and Lucas Clapp.

Jim Dennigan, "Tenor of Geat Hill." who was found guilty and sentenced to three years in the penitentiary, was released on bond pending his appeal.

Joe Britten, the young blacksmith who probably fatuily shot Will Kennedy, has been released on bond.

Lord Alfred Spencer Churchill, the great uncle of the duke of Marborough, is dead in London at the age of 69 years.

The Appeal Publishing company, publishers of the Appeal-Avalanche, assigned for the protection of its creditors, the debts amounting to \$57,555.

Robert J. Morgan and Andrew D. Gwynne were made trustees. The fallacy of saying that the supreme court of the United States can declare a treaty or a paragraph of a treaty null and void is apparent when it is considered that the high court of any nation with which this country has a treaty has the same power, so far as that country is concerned, as the supreme court of the United States has in this country.

The constitution places no limitation upon the treaty-making MAJOR STONE TO SPEAK power. Even if the supreme court, with its increasing disposition to assume authority over all things, should declare a paragraph of a treaty null and void, there would be no obligation of a treaty null and void, there would be no obligation ing with present-day conditions will be discussed in this sermon.

On sunday night at 8 o'clock, at the regular Court square meeting, conducted by Rev. Dr. Chas. H. Williamson, Maj. Lee A. Stone, M. D., has conditions will be presented to be present and the present of the court square meeting.

and another nation, and if a question of validity or meaning of a treaty should arise it would not go to the supreme court for determination, but would be submitted to a court of arbitration. If arbitration were not successful then war would be the only alternative. The supreme court speaks only for the United States, and a treaty is an agreement between two nations.

We are so firmly of the opinion that Senator Johnson is right that we are willing to back our judgment with a wager to the extent of an option on a pair of shoes and leave it to the Commercial Appeal's expert on international law.

LAW AND LAWLESSNESS

The killing of O. R. Webster, deputy United States marshal, and Will Smiddy, in the heart of the uptown district, was the culmination of the intermittent contests between organized law and organized lawlessness.

Webster was a good officer. He was the kind of officer that the law-defying element is bent upon getting rid of. That more officers are not killed, perhaps is due to the fact that so few of them are of the type of Webster.

Will Smiddy was known to be liberal with his ill-gained money. He could afford to be generous. He merely helped the children of the families that men of his kind made destitute. He was regarded by some as the successor to "the king of the bootleggers," that so many men of prominence in Memphis have endeavored to have pardoned, and seemed to enjoy a special immunity from police interference which in the end, as it proved, was the worst thing that could have been done for him. No doubt the big pistol he carried as he brushed shoulders with the police had something to do with the extraordinary consideration he received at their hands.

THE FAIR

One who has never visited the Tri-State fair might be disposed to regard the announcement, made annually for the past several seasons, that it is "bigger and better than ever," as a species of circus advertising; but those who have kept up with its progress and development know the statement is literally true. The fair this year is of tremendous interest to every intelligent farmer and business man in this section. It is a liberal education in live stock, agriculture, domestic science, horticulture and every other enterprise that thrives so bountifully in this territory with a little attention. Mr. Fuller and his associates have done a splendid work in arranging the program, and the fair deserves the liberal patropage of everyone.

If the president only could say what he thinks of the senators who are standing in the way of the league of nations we don't believe there is one of them who would need an interpretation of his meaning.

The murdered deputy marshal "fell into the arms of a policeman," says a news story, indicating how alert our officers are Except for his presence the dead man might have fallen to the

When Senator Sherman and Senator Williams get through speaking against the president and for him there isn't anything to be added to criticism or adulation.

The peace treaty finally came from the committee on foreign relations after being Lodged for quite a while.

That Guiltiest Feeling-By Briggs



ing with present-day conditions will be sented

News of Memphis Twice Told Tales

News of Memphis 10 Years Ago.

SEPTEMBER 20, 1883.

rumored that the Hope night one of the most valued instituin Memphis. ft to be discon-The Shelby County Democratic club, it is said will take no hand in the city municipal election as a club, leaving the members to take what sides they desire individually.

SEPTEMBER 20, 1909.

New Orleans and the guif coast were atruck by a severe tropical storm, many lives being lost and much property damage.

Among the state-widers who left for the state-wide conference to be held in Nashville were the Rev. W. B. Thompson, J. M. Ward, Themas B. King, G. T. Fitzhugh, G. C. Carothers, F. S. Latham, J. W. McKinney, W. T. Watkins and Robert F. Malone.

J. W. Proudfit has been elected president of the State Savings bank to succeed the late J. D. Montedonico.

Miss Agnes Thomas has returned from the East.

Miss Martha Lanier has gone to Nashville to resume her studies at Vanderbill university.

Little Miss Myrtie Lockett, who has been visiting her grandmother, Mrs. W. P. Spencer, on Pearce avenue, has returned to her boys in Birmingham.

Mr. and Mrs. F. Oganne have returned from St. Joseph.

Miss Mildred Gowan, of Bartlett, has as her guest Miss Naomi Merrell, of Memphis.

'Big George' Sought by Eight Householders Who Shoot Another Black.

The battle between "Big George," harlie Paine, burly negro, and Albert

Charile Paine, burly negro, and Albert Wickham, or the latter's farm near Egypt severa, days ago, culminated in a pitched battle early Friday morning between oitlinens of the neighborhood and Asa Brooks, another negro. In which Brooks was slightly wounded with a charge of squirrel shot from a shotgun, according to reports from Raleign.

The citizene, who had been deputized to serve a warrant of assault to murder signature. The citizene, who had been deputized to serve a warrant of assault to murder signature. The citizene who had been deputized to serve a warrant of assault to murder signature. The citizene who had been deputized to serve a warrant of assault to murder signature. The citizene who had been deputized to serve a warrant of assault to murder signature. The citizene who had been deputized to serve a warrant of assault to murder signature. The citizene who had been deputized to serve a warrant of assault to murder signature. The citizene warrant of assault to murder signature. The treptor is the second of the mississippi valley, a fund of \$100,000 will be raised among the \$2 states incorporated within the membership of the Mississippi valley, a fund of \$100,000 will be raised among the \$2 states incorporated within the membership of the Mississippi valley, a fund of \$100,000 will be raised among the \$2 states incorporated within the membership of the Mississippi valley, a fund of \$100,000 will be raised among the \$2 states incorporated within the membership of the Mississippi valley, a fund of \$100,000 will be raised among the \$2 states incorporated within the membership of the Mississippi valley, a fund of \$100,000 will be raised among the \$2 states incorporated within the membership of the Mississippi valley, a fund of \$100,000 will be raised among the \$2 states incorporated within the membership of the Mississippi valley, a fund of \$100,000 will be raised among the \$2 states incorporated within the membership of the Mississippi valley, a fund of \$100,000 will be raised among the \$2 states incorpor

EXPLOIT MISSISSIPPI

REVISED RATES AID LOCAL GRAIN SHIPPERS

Memphis shippers of grain, hay and other products within the next 60 or 90 days will begin to share the benefits of more equitable rates into the states of Texas. Louisiana and Arkansas, the interstate commerce commission having just given its sanction to revised rates which were promulgated by the federal railroad control at a meeting last May. Because some of the roads affected were not under federal control it was necessary that the commission take action before they could be put into effect.

Announcement of the news from Washington is made by James B. McGinnis, traffic commissioner of the Merchants' exchange, who had charge of the fight in the spring. He says it is one of the most important victories won by the trade here in a decade and was something that had been sought for about 20 years. It places Memphis on an equal footing in the territory involved with St. Louis, Kansas City and other terminal markets in the Southwest.

AUTO THIEVES TOW CAR FROM OWNER'S GARAGE

One of the boldest automobile rob-beries here in months occurred Friday afternoon when two men in an automo-bile truck drove up to a garage in the rear of the H. G. Moore residence, 894 rear of the H. G. Moore residence, \$34
Pearce avenue, hooked the Moore machine to their own and drove away. The
police say the car was later recovered
in a Union avenue garage.

The Moore automobile was being repaired and had no tires. This apparently was known to the alleged thieves, as
they equipped the machine with tires
brought with them.

The theft of three other automobiles
was reported to the police Friday night.

was reported to the police Friday night.

M. W. Martin, 1257 Harbert avenue, lost his machine. C. S. McKinney, 567 Jessamilne avenue, reported the theft of his automobile, and A. Gordon, 1387 Jackson avenue, also reported his car stelen.

MEN'S FELLOWSHIP CLUB HAS A MILITARY ASPECT

The Men's Fellowship club of the First Congressional church was organized Friday night at a meeting held at the church, the new management having a decidedly military cast. Col. Harry B. Anderson was elected president, Capt. Albert G. Riley vice-president, and an able seaman, William F. McElroy, being elected sccretary. The constitution and bylaws of the old club were readopted, almost without change. The first regular meeting of the club will be held on the third Priday in October, the topic for discussion being "Labor." It is hoped to have one of the leading labor men of the city to lead in the debate.

The new officers will settle upon a program for the ensuing year at an early date, and it is confidently hoped that a most mincessful year's work is before the reorganized club.

Ye Editor Nods Jolts and Jests Slipped Past TO JIMMIE COAN.

On this, his birthday.

For 60 years he has suread sunshine and the joy of his infectious smile smong his fellow men.

He has gone his way doing what good as could, always leaving behind him some person the happier for his compa.

ne could, aways leaving behind him some person the happier for his coming.

The first person he made giad was his old mother. That was on Sept. 20, 1889, the day of his birth. He got the habit then, and he never has sheken it. His smile stayed with him, as he grew to manhood. As time brought experience it mellowed his heart, and expanded his smile.

Time came when the smile was not sufficient outlet for the love of his fellew man that Jimmie Coan birthday became a Memphis holiday, so to speake Thousands of his friends have taken part in one or more of Jimmie's birthday parties, with their famed barbecus and Brunswick stew.

Sept. 20 of any year does not come without bringing memories of Jimmie. This Sept. 20 marks the passing of three score years of his life.

That famous smile is 60 years old today. But one would never believe it, at a giance.

For it is as infectious, as hearty, as

Raiph Davis was addressing the court.
"If your honor will indulge me for a few moments I wish to make a statement."
"Certainly, Mr. Davis, go ahead," said Judge J. Ed Richards, of First criminal court.
"But allow me about 10 minutes, please, your honor, I left my glasses at the hotel," replied Davis.
"Nothing doing, Mr. Davis," came the tart rejoiner. "You don't need your glasses to make a statement."

FISHY!

Ed Workhoven, besides having been on the police force for years, must have practiced with Munchausen before he evolved this story.

"I caught 19 fish on one minnow the other day at Sheil Lake," said Ed. "It was like this. A fellow fishing upstream from me had the firing, but it got away from him. I made a cast, and couldn't bring in my line. I pulled in gently, and durined if my hook hadn't get caught in his string. "Yary one mive, too."

"Did you give 'em back to him?" we asked,
"H—, no," Ed replied. "That would have spoiled the story, wouldn't it?"

and couldn't bring in my line. I pulled in gently, and durned if my hook hadn't get caught in his string. Every one alive, too."

"Did you give 'em back to him?"

we asked.

"H—, no," Ed replied. "That would have spoiled the story, wouldn't it?"

DUSKY CUNNING.

"I. Jack Jacobi, constable, tells one about a negro who was fined \$10 in police court.

"I appeals, jedge," said Sambo.

"I'll make it \$25 then," said the judge, thinking of the statute which makes it impossible to appear a 19 fine.

The darky rolled his eyes.

"I appeals back ter de \$19, jedge," he said.

SHAME ON YOU, WILLIE!

They tell one on Bill Conway, veteran policeman. In the days when polson buttons first beame the yogue for sending dogs to the happy bunting grounds, Bill, with a pocket full of buttons, espied two peodles. os 'feisties' as he called em. The woman who owned the dogs saw Bill. Sho ran into the street, gathered thom up on in each arm, and walked home, who owned the dogs saw Bill. Sho ran into the street, gathered thom up on in each arm, and walked home, their heads over each of her shoulders.

Bill, sauntering grandiy alons, caught up with her. While her back was to ward him, the dogs heads were facing in.

Calminiy extracting two poison pellets from his pocket, Bill cooly fed one to each dog.

Then he walked on, whistling.

him.
Calmnly extracting two poison pellets
from his pocket, Bill cooly fed one to
each dog.
Then he walked on, whistling.

We don't know whether it is meant as a stap at their political services, or whether it is meant as a compliment to them, but we would stop and think twice if we were John Galella and Joseph Hapover, when we heard that two of the city's fire service trucks had been named for us.

WHO GIVES A YODELT During-the four days that the Swiss delegation stays in our midst we wonder if they wouldn't amuse the populars for 30 minutes at noon by samples of yodeling from the Aips of the Exchange building to the chamois peak of the Bank of Commerce building?

NOW YOU'RE TALKING. And, while the Swiss are here, they may clear up that ever present mys-tery of whether or not they bite the holes in the Swiss cheese. OH, BOY!

that a Scotchman must have a hard time carrying anything on the hip. TRUE

Though a man, may be ever so happy, He is bound to get mournful and blue: In these days of the high cost of living, When he looks at the sole of his shoe.

TWO WELL-KNOWN CITIZENS. Had it ever occurred to you what a remarkable resemblance in one respect there is between Gen. Pershing and a certain citisen of Memphis. It may happen yet that supporters of the Williams ticket for mayor may be heard pointing with pride to the fact that both Mr. Williams and Gen. Pershing are named John Joseph. But on one ever called Gen. Pershing Joe, at that

NEGROES TO OBSERVE **EMANCIPATION DAY**

Col. Charles Young, veteran of the world war, West Pointer and one of the leading crators as well as soldiers of his race, will be the principal speaker at the celebration of Emancipation day by the negroes of Memphis, which will take place at Avery chapel Monday eveoing at 8 o'clock.

col. Ioung will be met on his arrival in the city Monday by a committee of leading negroes and driven to the residence of Dr. W. T. Vernon, whose guest he will be while in Memphis.

At the celebration at Avery chapel Bishop C. N. Cleaves, of the Colored Methodist Episcopal church, will preside. Dr. W. J. McMichnel, veteran pastor of the St. John Baptist church, will deliver the invocation. Capt. S. B. Hickman, who saw service averseas. will deliver the invocation. Capt. S. E. Hickman, who saw service averseas, who is president of the Association of United Veterans of the World, will deliver the address of welcome. N. E. Whitman, representing the fregro club women of the city, will read the emancipation preciamation. Introduced by B. F. Booth, attorier, Col. Young then will deliver the adress of the evening. Music will be furnished by some of the best local talent and the Royal Circle band.

White Attendance This at Least 4,500 Above Last Year.

An increase of approximately 4,500 pupils in the public schools of Memphis some person the happier for his coming. A first person he made siad was his old mother. That was on 8stt. 20, 1888, the day of his birth. He got the habit then, and he never has shakan it. His smile stayed with him, as he grew to manhood. As time brought experience it mellowed his heart, and armanded his smile.

Time came when the smile was not sufficient outlet for the love of his fellow man that Jimmie Coun carried his bellow. The total enrollment so far reported to the superintendent of schools from the principals of the various white schools has not yet been compiled. The total enrollment so far reported to the superintendent of schools from the principals of the various white schools has not yet been compiled. The total enrollment so far reported to the superintendent of schools from the principals of the various white schools has not yet been compiled. The total enrollment so far reported to the superintendent of schools from the principals of the various white schools has not yet been compiled. The total enrollment so far reported to the superintendent of schools from the principals of the various white schools has not yet been compiled. The total enrollment so far reported to the superintendent of schools from the principals of the various white schools is 17,123. The soverment but selected the principals of the various white schools has not yet been compiled. The total enrollment of schools from the principals of the various white schools has not yet been compiled. The total for the love of the principals of the various white schools has not yet been compiled. The total for the various white schools has not yet been compiled to the superintendent of schools from the principals of the various white schools has not yet been compiled. The total for the superintendent of schools from the principal of the p for the 1919-1920 season over the net

Ison Permitted to Resume Making "Profit" Off Workers,

pany.

On the stand during the hearing of the motion Saturday, ison said Lomax and other patrons never paid his company any interest, but permitted him to make a profit on assignments of their salaries to him. He admitted, however, that the profit referred to was for the use of the money.

FLAUTT COMPANY SUED AFTER WOMAN'S DEATH

W. A. Pickett, administrator of the estate of Mrs. Minnie C. Pickett, Saturday filed suit for damages in the circuit court against the John O. Flautt Carriage company in the sum of 355,000, seeking to recover on the death of Mrs. Pickett, which he alleges was caused through the carelessness and nexigence of the defendant company. Mrs. Pickett fell through the clevator shaft in defendant's place of business on April 5 of this year, sustaining injuries which caused her death. It is alleged the company negligently permitted the elevator shaft to be open and the second floor of the building to be poorly lighted.

TO ATTEND REUNION

Plans to attend the national reunior of United Confederate Veterans to be need in atlanta in October will be decussed at a special meeting of Comp. A. United Confederate Veterans, when has been called by Lieut. M. V. Cru., to be held at the courthouse on Monda at 2 o'clock p. m. All members of the company are asked to attend and bring their guns for the purpose of having them cleaned.

BIRTHS.

BIRTHS.

Robert H. and Katherine Rothrock Miller. 2026 Cowden, Baptist hospital. Sept. 14: boy.
L. L. and Mabella Shoults Tisdale. 975 Greenwood, Sept. 14: boy.
L. L. and Marle Tygard McSherry, 1113 Cummings, Sept. 14: boy.
D. A. and Marie Tygard McSherry, 1113 Cummings, Sept. 14: boy.
D. A. and Marimina Leomanaco Colucco, 141 Market, March 1; girl.
Tony and Grace Palaszolo, 618 Mississippi, March 18; boy.
Sam and Martha Petson Demas, 39
North Claybrook, Feb. 22; boy.
Sam and Angilina Salvagia Galliano, 372 East Calhoun, March 18; boy.
Joe and Dorathea Torrimino Ciamataro, 627 Mississippi, April 19: girl.
W. M. and Elizabeth Thurman Allen, Cordova, Tenn., April 39; sirl.
Joe and Katherine Germino Galliani, 559 Mississippi, May 31; girl.
J. E. and Neva Connor Childers, 1283 Harbert, July 8; girl.
J. E. and Neva Connor Childers, 1283 Harbert, July 8; girl.
Will and Lottie Dickson Robeson, 964 Texas, Sept. 18; boy.
Lee and Lena Scott Lewis, 25 East 10wa, Sept. 18; girl.
John H. and Romaska Merritt Green, 52 Hickory, Sept. 17; boy.
Beard and Emma Freeman Porn, 525 Crump court, Sept. 15; boy.
MARRIAGE LICENSES.

MARRIAGE LICENSES. Helma Vogel to William R. Copeland faxine Whaley to Herschal Spencer, Heima vogel to William R. Copeland Maxine Whaley to Herschil Spencer, Louise Gala to Joseph Dardano, Beas Ulm to Joseph Renner, Mary Cox to William Shoults. Laura Tate to John Mackey.

DEATHS.

NEW CADET TO ITALY.

best local talent and the Royal Circle
band,
WASHINGTON, Sept. 20.—A new
credit of \$1,146,827 to Italy has brought
the total advance for that country up to
\$1,619,822,879 and 10 all the allies \$9.
William Winston, will be present.

best local talent and the Royal Circle
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on the part of any other nation to observe its construction. Assuredly the supreme court of the United States has no right to repudiate a contract entered into between this nation of the prevailing unrest and unhapping the service and introducing Maj. Stone. In with present-day conditions will be sented to be present and speak on the delivered by Dr. Williamson, pastor of the between the service and plenty of amountion. The blow a Temple of the Holy with three revolvers and plenty of amountion. The vicinity and is construction. Spirit: Dr. Williamson will preside, opening of the grounding maj. Stone. The vicinity and is considered to be present and speak on the delivered by Dr. The Body a Temple of the Holy with three revolvers and plenty of amountion. The vicinity and is considered to be present and speak on the delivered by Dr. The Body a Temple of the Holy with three revolvers and plenty of amountion. The vicinity and is considered to be present and speak on the delivered by Dr. The Body a Temple of the Holy with three revolvers and plenty of amountion. The vicinity and is considered to be present and speak on the delivered by Dr. The Body a Temple of the Holy with three revolvers and plenty of amountion. The vicinity and is considered to be present and speak on the delivered by Dr. Williamson, pastor of the present and speak on the delivered by Dr. Williamson will be sented to be present and speak on the delivered by Dr. The Body a Temple of the Holy with three revolvers and plenty of the prevail to the arms of the vicinity and is considered to be a transfer to the vicinity and is considered to be present and speak on the delivered by Dr. Williamson will be delivered by Dr. Williamson will be delivered by Dr. Williamson will be delivered by Dr. The Body a Temple of the Holy with three revolvers and plenty of the prevail to the arms of the trouble began when will be delivered by Dr. Williamson will be delivered by Dr. The Body a Temple of the Holy with three revolvers and the trouble began when we PLAYGROUNDS CHILDREN WILL PORTRAY HOW

TO CONQUER DISEASE IN "HEALTH CRUSADE"



To the resonance of well-modulated male voices, chanting the choruses, to the litting songs of fair misses, accompanied with shriller counter harmony of the shouts of happy children. he groupd agood health will be exemplified in pageantry before a crowd at the Tri-Siste fairgrounds amphitheater Saturday night at 8 of clock, by a cast of 250 persons, mostly children.

Splendid costuming, beautiful choruses and wealth of action are promised by the good women of the Antituber-munity service to whose efforts the staging of the pageant is due. It will be styled "The Good Health Crusade" Saturday.

Upper picture, Jake Scharff as Sir Lionel, with Margaret and Mildred Gates as Spick and Span, his pages; John Hill, Rivers Greamer, Jack Gar-diner and Lawrence Gooper, his four knights. knights.

Lower picture, Babette Scharff, as Exercise, with Nell Bradley, Martha Childress, Mary Childress, Eugenia Secsings, Mary Singleton and Fairy Smith, attendants.

CHINAMAN WINS SCRAP; FINED \$25

In an encounter with Chew Lean, Chinaman, Jacob Kaplan, proprietor of a pressing establishment at 174 South Second atreet, came off second best Friday afterneon. On account of band-ages only part of Kaplan's visage was

"PEGGY" FOSTER DIES.

After a lingering illness of five months, Margery, the beautiful little daughter of Mr. and Mrs. Madhen Fester, 1886 Goodhar place, died Wednesday afterneon at 4:50 o'clock at the Baptist Memorial hospital, aged two years, five months and one day. To her many admiring friends who had learned to love her bright smiles and cheery disposition she was known as Fegsy of the blue eyes and golden locks.

Read News Scimitar Wants.